IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

MONDAY, THE TWENTYFOURTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No.26870 of 2007

Between:

P.Syameela … Petitioner

Versus

The Revenue Divisional Officer,
Guntur, Guntur district & Anr. … Respondents

Counsel for the Petitioner: **Sri RAJA REDDY KONETI**

Counsel for the Respondents: **GOVT.PLEADER FOR CIVIL SUPPLIES**

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No.26870 of 2007

O R D E R :

On 17-12-2007 the learned Govt.Pleader for Civil Supplies had taken notice and requested time to get instructions.

The written instructions are placed before this Court.

2. The writ petition is filed for a writ of mandamus, declaring the action of the respondents in proceeding to issue authorization to a fresh candidate by process of selection as Fair Price Shop dealership of Anumarlapudi village, Pedakakani Mandal, Guntur district on the ground of the petitioner's refusal/resignation as dealer to the said fair price shop as illegal and arbitrary and consequently to direct the respondents to restore the petitioner's authorization to the said fair price shop and to pass such other suitable orders as this Court may deems fit and proper in the circumstances of the case.

3. Several facts had been narrated in the affidavit filed in support of the writ petition.

4. It is stated that on 04-10-2007 the petitioner was summoned to the office of the first respondent and when the petitioner went there, the petitioner was asked to hand over all the books, accounts etc. When the petitioner asked for reasons, the petitioner was told that the

petitioner had resigned-refused to run the shop promising to handover all the record within one month. The petitioner was surprised to hear the same. Then on 05-10-2007 the petitioner gave a written representation to the Joint Collector, Guntur marking copies to the respondents. In fact the first respondent verified the signature of the petitioner and satisfied that the petitioner had not made any endorsement refusing to run the shop.

5. Several other facts had been narrated in the affidavit filed in support of the writ petition.

6. In the instructions placed before this Court, it is stated that :

> " with reference to fax message received from the Govt.Pleader, Civil Supplies, High Court of Andhra Pradesh, Hyderabad, I am to inform that basing on the report received from the Mandal Revenue Officer, Pedakakani vide Rc.No.40/05-A, dated 22-02-2005, the authorization of Smt.P.Syamala, Fair Price Shop Dealer of Anumarlapudi village, Pedakakani Mandal, Guntur division and district was kept under suspension vide Proceedings of the Revenue Divisional Officer, Guntur in Rc.No.751/05-B, dated 15-3-2008 for non-lifting of essential commodities allotted to her FP Shop for the last four months, and causing much inconvenience to the cardholders. A show cause notice was also issued to her calling explanation from her. The suspension orders and the show cause notice were served on the petitioner on 06-4-2005 and the petitioner has submitted her explanation. On the recommendation of the Mandal Revenue Officer, Pedakakani Smt.A.Venkataramana was appointed as Temporary Fair Price Shop Dealer vide Revenue Divisional Officer, Guntur, Proceedings RC.No.751/05-B dated 07-5-2005 to avoid the inconvenience to the card holders. The explanation was referred to the Mandal Revenue Officer, Pedakakani for her remark. Basing on the report of Mandal Revenue Officer, Pedakakani vide Rc.No.26/06-A dated 29-6-2006, the authorization of the petitioner was cancelled vide RDO, Guntur, Proceedings Rc.No.26/06-A dated 29-6-2006,

the authorisation of the petitioner was cancelled vide RDO Guntur Proceedings Rc.No.751/05-B, dated 24-8-2007 with an opportunity for filing appeal before the Joint Collector, Guntur within 30 days from the date of receipt of the order. The order of the cancellation of authorization was served on the petitioner on 01-09-2007 through the Civil Supplies Deputy Tahsildazr, Peddakakani. She has not filed any appeal before the competent authority. Hence, the vacancy was notified as OC vide Revenue Divisional Officer, Guntur Rc.No.751/05-B dated 29-11-2007 by fixing the last date for receipt of application as 15-12-07. The petitioner has filed this present WP.No.26780/-7 against the notification".

7. In the light of the facts and circumstances, the writ petition is disposed of at the stage of admission directing the first respondent to complete the enquiry by giving due opportunity of the petitioner, within a period of six weeks from the date of receipt of a copy of this order and till then no permanent appointment to be made.

8. The writ petition is disposed of at the stage of admission. No costs.

JUSTICE P . S . NARAYANA .

24/12/2007.

NB:
Furnish CC of the Order
Tomorrow.
B/0 ISL.